THE HON'BLE MS. JUSTICE V.V.S. RAO

THURSDAY, THE 10TH DAY OF NOVEMBER, 2005

W.P.No. 24008 of 2005

Between:-

Sri Balbhadra Das

--Petitioner

And

The Mandal Revenue Officer, Shamshabad Mandal, R.R. District and another.

--Respondents

Oral order:- (W.P.No. 24008 of 2005)

The petitioner Sri Balbhadra Das claims to be the Mahant of Sri Ramachandraji Temple, Satamrai, Shamshabad village and mandal, Ranga Reddy district. According to him, the temple is the owner of the land ad-measuring Acs.07-18 Gts., in survey No.668 and that a part of the land ad-measuring Ac.01-05 Gts., was taken by the government for widening National Highway-7. He, therefore, filed W.P.No.736 of 2003, which was disposed of, at the stage of admission, directing the respondents to initiate land acquisition proceedings. The petitioner again filed C.C.No. 1432 of 2004 alleging that the respondents failed to take steps in accordance with the order of this court in W.P.No. 736 of 2003. According to the petitioner, the Revenue Divisional Officer and the National Highways Authority filed counters in the contempt case contending that no part of the temple land was taken for highway expansion and that as and when any land is acquired, appropriate steps would be taken. After that the petitioner approached the Mandal Revenue Officer on 10-08-2005 for Survey of the land, in vain. Therefore, the present writ petition is filed.

The petitioner seeks a writ of Mandamus declaring the inaction of the respondents in not conducting the survey and demarcating the boundaries of the property in survey No. 668 as illegal and arbitrary; and for a consequential direction to the respondents to conduct such survey.

Learned Assistant Government Pleader for Revenue (General), on instructions, submits that as requested by the petitioner herein, on 24-05-2004 the Mandal Surveyor, Shamshabad mandal, Ranga Reddy district conducted survey in the presence of the petitioner and surrounding pattedars; recorded the boundaries under a cover of panchanama and that the petitioner herein also signed the panchanama in evidence of his presence. Learned Assistant Government Pleader also contends that the writ petition is filed making perjurial statements. It is a fact that already survey was conducted on 24-05-2004 and also taking notice of that fact, the repeated survey is not warranted.

The writ petition is accordingly dismissed. No costs.

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V.V.S. RAO, J

Dated: 10-11-2005

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